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**U.S. CHARGES SOUTH AFRICAN EXECUTIVE AND OTHERS  
IN MASSIVE SEAFOOD HARVESTING AND SMUGGLING SCHEME**

JAMES B. COMEY, the United States Attorney for the Southern District of New York, DALE JONES, the Chief of the Wall, New Jersey, Field Office for the National Oceanic and Atmospheric Administration("NOAA"), and JOHN P. TORRES, the Special Agent in Charge of the Newark, New Jersey, Office of the Bureau of Immigration and Customs Enforcement ("BICE"), announced today the arrest of ARNOLD MAURICE BENGIS and three others, JEFFREY NOLL, GRANT BERMAN and DAVID BENGIS, in a scheme involving the illegal over-harvesting of massive quantities of Patagonian toothfish (known as Chilean seabass) and South African rock lobster, then illegally importing that fish into the United States.

ARNOLD BENGIS, NOLL, BERMAN and DAVID BENGIS, together with co-defendant SHAUN LEVY, are charged in a 21-count Indictment unsealed today in Manhattan federal court. The Indictment charges

the defendants with one count of conspiracy to violate the United States' Lacey Act and to commit smuggling, and 20 separate counts charging them with violating the Lacey Act, a statute which makes it a crime to transport wildlife caught in violation of federal or state law. Specifically, they are charged with importing harvested wildlife (rock lobster and Patagonian toothfish) into the United States in violation of foreign law. The Indictment alleges that the defendants' activities violated both South African law and international convention, including rules governing the harvesting of Patagonian toothfish (Chilean sea bass) issued by the international Commission for the Conservation of Antarctic Marine Living Resources ("CCAMLR").

According to the Indictment, the scheme was conducted through Hout Bay Fishing Industries (PTY) Ltd ("Hout Bay") in Cape Town, South Africa, and three U.S. companies affiliated with Hout Bay: Icebrand Seafoods, Inc. ("Icebrand") and Associated Sea Fisheries Inc. ("Associated") in Manhattan, and Icebrand Seafoods Maine Inc. ("Icebrand Maine") in Portland, Maine.

According to the Indictment, since at least 1987 and up to August 1, 2001, ARNOLD BENGIS, NOLL, BERMAN, DAVID BENGIS and LEVY, as well as Collin Ernst Hendrik van Schalkwyk, an unindicted co-conspirator previously convicted on related charges in South Africa, and their co-conspirators, allegedly engaged in an elaborate scheme to illegally harvest large quantities of South

and West Coast rock lobster, and Patagonian toothfish and export the illegal fish from South Africa to the United States. The Indictment alleges that, as part of the scheme, the defendants and their co-conspirators harvested large quantities of South Coast rock lobster, West Coast rock lobster, and Patagonian toothfish, far in excess of applicable quotas, then exported the fish to the United States. It is also alleged the defendants under-reported the fish harvest to South African authorities, and bribed South African fisheries inspectors to help them carry out their illegal harvesting scheme. The Indictment also accuses the defendants of submitting false export documents to American and South African authorities to conceal their over-harvesting, and submitting false documents to United States Customs authorities to conceal their illegal imports.

The Indictment alleges that, in May 2001, South African authorities seized and opened a container of illegally harvested fish that ARNOLD BENGIS and his co-conspirators were attempting to export to the United States. Following that seizure, according to the Indictment, ARNOLD BENGIS and his co-conspirators engaged in a series of elaborate deceptions, designed to avoid detection and perpetuate the scheme.

Among other things, ARNOLD BENGIS and his co-conspirators: allegedly altered and destroyed documents indicating the actual quantity of seafood harvested by fishing vessels. The defendants are also accused of removing large

quantities of rock lobster from Hout Bay's storage facility in Cape Town, South Africa, and concealing them from authorities. The Indictment also alleges the scheme involved moving large quantities of lobster from a storage warehouse in Newark, New Jersey, to Massachusetts, and diverting an illegal shipment from its intended destination of Manhattan to Singapore and Hong Kong in order to avoid seizure by United States authorities.

The Indictment alleges that ARNOLD BENGIS was the Managing Director and Chairman of Hout Bay in Cape Town, and that he also exercised control over Icebrand and Associated in New York; NOLL was the Chairman and President of both Associated and Icebrand in New York; BERMAN was a former Financial Manager of Hout Bay in South Africa, and a sales manager for Icebrand and Associated in New York; DAVID BENGIS, the son of ARNOLD MAURICE BENGIS, was the President of Icebrand Maine in Portland, Maine, and also exercised control over the affairs of Hout Bay; and SHAUN LEVY served as the factory production manager of Hout Bay.

The Indictment seeks forfeiture of all property that constitutes or is derived from proceeds traceable to the offense, including but not limited to \$11.5 million.

ARNOLD BENGIS, 67, is a South African and United States national who has residences in Manhattan, New York; Bridgehampton, New York; and Cape Town, South Africa. He was arrested in Bridgehampton, New York today.

JEFFREY NOLL, 49, is a United States citizen who lives

in Marietta, Georgia, where he was arrested today.

GRANT BERMAN, 33, is a South African citizen who lives in San Diego, California, where he was arrested today.

DAVID BENGIS, 34, is South African and United States national who lives in Falmouth, Maine, where he was arrested today.

SHAUN LEVY, 38, is a South African national who resides in Portland, Maine.

ARNOLD MAURICE BENGIS is scheduled to be presented today before United States Magistrate Judge KEVIN NATHANIEL FOX.

If convicted, each defendant faces a maximum sentence of 5 years in prison and the greater of a \$250,000 fine, or twice the gross gain or loss resulting from the crime on each of the 21 counts.

Mr. COMEY praised the investigative efforts of NOAA and BICE, and the assistance of the Directorate of Special Operations, National Prosecuting Authority of South Africa (commonly known as the "Scorpions") and South Africa's Department of Marine and Coastal Management. He said the investigation is continuing.

Assistant United States Attorney MARCUS A. ASNER is in charge of the prosecution.

The charges contained in the Indictment are merely accusations, and the defendants are presumed innocent unless and until proven guilty.

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